

09/819034

PATENT  
Docket No. 18950-67

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Virtanen, Jorma A.

Serial Number: 09/139,213

Filing Date: August 24, 1998

Entitled: CASSETTE AND APPLICATOR FOR  
BIOLOGICAL CHEMICAL SAMPLE  
COLLECTION

Group Art Unit: 3736

Examiner: Max Hindenburg

Petitions Examiner: Frances Hicks

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OFFICE OF PETITIONS

Office of Petitions  
Four Crystal Plaza - Suite 3C23  
2201 South Clark Place  
Arlington, Virginia 22202  
attn: Frances Hicks  
Lead Petitions Examiner  
Office Of Petitions

**PETITION UNDER 37 CFR 1.182 and 37 CFR 1.53(e) TO CONVERT THE  
CONTINUED PROSECUTION APPLICATION FILED UNDER 37 CFR 1.53(d) TO A  
CONTINUING APPLICATION UNDER 37 CFR 1.53(b)**

Dear Sir or Madam:

1. This petition is in response to the Decision On The Petition, Paper No. 17, mailed on March 14, 2001. A copy of the decision is attached.
2. This is a petition under 37 CFR 1.182 to convert a continued prosecution application (CPA) filed under 37 CFR 1.53(d) to a continuing application under 37 CFR 1.53(b). This request is in accordance with the second paragraph of the section "IN GENERAL" falling under MPEP Section 201.06(d) which reads:

*"If applicant wants the PTO to disregard a previously filed request for a CPA (and not recognize its inherent request to expressly abandon the prior application) and to treat the paper as the filing of an application under 37 CFR 1.53(b), the applicant must file a petition under 37 CFR 1.182."*

3. On February 20, 2001, Applicant filed a request for a "Continued Prosecution Application (CPA)". A "Preliminary Amendment", an "Information Disclosure Statement", "Form PTO-1449" and references accompanied that request.

4. Along with the CPA, Applicant filed a "Petition to Withdraw" the parent application (Serial No. 09/139,213 entitled "Cassette and Applicator for Biological Chemical Sample Collection" filed August 24, 1998) from issue in favor of the CPA. The petition was not granted by the time the application issued on March 6, 2001 as U.S. Patent No. 6,196,979.

5. Since the petition to withdraw the parent application from issue was not granted by the Patent and Trademark Office prior to issuance of the application as a patent, Applicant respectfully petitions that the CPA filed on February 20, 2001, be converted into a Continuation application under 37 CFR 1.53(b).

6. The general requirements for filing Continuation application under 37 CFR 1.51 are:

*§ 1.51 General requisites of an application.*

*(b) A complete application filed under § 1.53(b) or § 1.53(d) comprises:*

- (1) A specification as prescribed by 35 U.S.C. 112, including a claim or claims, see §§ 1.71 to 1.77;*
- (2) An oath or declaration, see §§ 1.63 and 1.68;*
- (3) Drawings, when necessary, see §§ 1.81 to 1.85; and*
- (4) The prescribed filing fee, see § 1.16.*

7. The requirements for the Specification and Declaration required by 37 CFR 1.53(b) are set forth at the first paragraph of the section titled "Specification and Drawings" in MPEP Section 201.06(c) as follows:

*A continuation or divisional application may be filed under 35 U.S.C. 111(a) using the procedures set forth in 37 CFR 1.53(b), by providing: (2) a new specification and drawings and a copy of the signed oath or declaration as filed in the prior application provided the new specification and drawings do not contain any subject matter that would have been new matter in the prior application.*

A new specification and drawings, including all amendments previously entered in the parent 09/139,213 application, are enclosed for filing with the Continuation application. The specification

and drawings filed herewith contain no matter that would have been new matter in the parent application. Also enclosed is a marked-up copy showing the changes made between the specification as originally filed with the parent application and the new specification. Additions are underlined while deletions are [bracketed].

8. Also attached for entry and consideration in the converted Continuation application are:

- a) A copy of the "Declaration" as filed in the parent application, serial number 09/139,213;
- b) An "Application Data Sheet";
- c) A "Supplemental Preliminary Amendment" canceling Claims 1-14 of the new specification and amending Claim 22;
- d) An "Information Disclosure Statement by Applicant" (Form PTO-1449) and associated references which were also cited in the parent case, serial number 09/139,213;
- e) "Revocation/Appointment of Power of Attorney" from the parent case, serial number 09/139,213; and
- f) A copy of the recorded assignment documents from the parent case, serial number 09/139,213.

9. Applicant requests that the "Preliminary Amendment", "Information Disclosure Statement", "Form 1449" and references filed on February 20, 2001 be entered into and considered in the converted application.

10. Please make sure all future correspondence is directed to:

Oppenheimer Wolff & Donnelly LLP  
Attn: Guy Porter Smith  
2029 Century Park East, Suite 3800  
Los Angeles, CA 90067-3024

This change in correspondence address is authorized in the attached "Revocation/Appointment of Power of Attorney" from the parent application and is also included on the attached "Application Data Sheet".

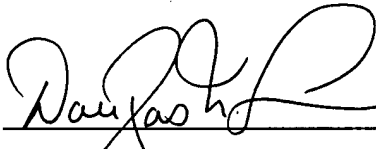
11. Please assign the converted patent application the new attorney docket number: 18950-67. This change is listed on the "Application Data Sheet".

12. Please charge the \$130.00 petition fee and any other fees to Deposit Account No. 16-2230, Attorney Docket No.: 18950-67.

12. Accordingly, issuance of a Decision granting this Petition, issuance of an official Filing Receipt for this (converted) Continuing application, and entry of the above referenced papers in the Continuing application are in order, and such action is respectfully requested. If there are any questions concerning this petition, feel free to telephone the undersigned counsel for Applicant.

Respectfully submitted,

Dated: April 6, 2001

By   
\_\_\_\_\_  
Douglas N. Larson, Registration No. 29,401  
Attorney for Applicant

**OPPENHEIMER WOLFF & DONNELLY LLP**  
2029 Century Park East, 38th Floor  
Los Angeles, CA 90067-3024  
Telephone: (310) 788-5053  
Facsimile: (310) 788-5100



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www.uspto.gov

ALBERT P. SIMON  
HOWREY & SIMON  
BOX 34  
1299 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004-2402

WASHINGTON, D.C.

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A/C PATENTS

In re Application of  
Jorma A. Virtanen  
Application No. 09/139,213  
Filed: August 24, 1998  
Attorney Docket No. 1296-14-999

ON PETITION

This is a decision on the petition, filed February 20, 2001,  
under 37 CFR 1.313(c) to withdraw the above-identified  
application from issue after payment of the issue fee.

The petition is DISMISSED as moot.

Unfortunately, the petition reached the appropriate official for  
decision after the patent issued on the above-identified  
application. It is noted that the instant petition was deposited  
with OIPE on February 20, 2001, and not directly with the Office  
of Petitions. Petitioner's attention is directed to 37 CFR  
1.313(d), which states:

A petition under this section will not be effective  
to withdraw the application from issue unless it is  
actually received and granted by the appropriate  
officials before the date of issue. Withdrawal of  
an application from issue after payment of the issue  
fee may not be effective to avoid publication of  
application information.

The information disclosure statement (IDS) has been placed in the  
file of the above-identified application without further  
consideration. See 37 CFR 1.97(I).

Petitioner may request by way of a petition under 37 CFR 1.53(e)  
that the 37 CFR 1.53(d) request for a continued prosecution  
application be converted to a 37 CFR 1.53(b) continuing  
application in order to have the prior art considered by the  
examiner. The petition to convert should be directed to the  
Office of Petitions and must include the filing of a complete  
true copy of the prior application, i.e., specification, claims,

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and drawings, if required, and a copy of the signed oath/declaration. Information regarding the filing of a petition to convert may be obtained by calling the undersigned at (703) 305-8680.

Should petitioner choose this course of action, petitioner should include a copy of this decision with the petition under 37 CFR 1.53(e). The examiner is to make all applicable prior art rejections (not just include a statutory double patenting rejection under 35 U.S.C. § 101) based upon the information cited in the IDS, alone or with other information of record, in the resulting application under 37 CFR 1.53(b).

In order to ensure proper processing of the petition under 37 CFR 1.53(e), the petition and accompanying application papers should be hand delivered to the Office of Petitions at Four Crystal Plaza - Suite 3C23, 2201 South Clark Place, Arlington, Virginia 22202.

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

The patented file will be held in the Office of Petitions for a period of one month. If no petition under 37 CFR 1.53(e) is received, the file will be forwarded to Files Repository.



Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

## INVENTOR INFORMATION

09/81-036

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Inventor One Given Name:: Virtanen A  
Family Name:: Jorma  
Postal Address Line One:: 28111 Ambar  
City:: Mission Viejo  
State or Province:: CA  
Country:: USA  
Postal or Zip Code:: 92692  
City of Residence:: Irvine  
State or Province of Residence:: CA  
Country of Residence:: USA  
Citizenship Country:: Finland

## CORRESPONDENCE INFORMATION

Name Line One:: Oppenheimer Wolff & Donnelly LLP  
Name Line Two:: Attn: Guy Porter Smith  
Address Line One:: 2029 Century Park East, Suite 3800  
City:: Los Angeles  
State or Province:: CA  
Country:: USA  
Postal or Zip Code:: 90067-3024  
Telephone One:: (310) 788-5000  
Fax One:: (310) 788-5100

## APPLICATION INFORMATION

Title Line One:: Cassette and Applicator for Biological a  
Title Line Two:: nd Chemical Sample Collection  
Total Drawing Sheets:: 8  
Formal Drawings?: Yes  
Application Type:: Utility  
Docket Number:: 18950-67  
Secrecy Order in Parent Appl.?: No

## REPRESENTATIVE INFORMATION

Registration Number One:: 29401  
Registration Number Two:: 45267  
Registration Number Three:: 20142

## CONTINUITY INFORMATION

This application is a:: CONTINUATION OF  
> Application One:: 09/139,213  
Filing Date:: 08-24-1998  
Patent Number:: 6,196,979

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Virtanen

Application No./Patent No.: 09/263,972

Filed/Issue Date: March 5, 1999

Entitled: MONOMOLECULAR ADHESION METHODS FOR MANUFACTURING MICROFABRICATED MULTILAMINATE DEVICES

BURSTEIN TECHNOLOGIES, INC.

(Name of assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)



states that it is:

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1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9920, Frame 0750, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

**NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

3/24/00  
Date

[Signature]  
Signature  
RICHARD BURSTEIN  
Typed or printed name  
President  
Title



REVOCATION/APPOINTMENT OF POWER OF ATTORNEY  
OR AUTHORIZATION OF AGENT

Docket Number (Optional)

18950-27

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In re Application of

Virtanen

Application No.

09/263,972

Filed

March 5, 1999

Group Art Unit

1743

Examiner

N/A

To: Assistant Commissioner for Patents  
Washington, DC 20231

1. ☒ I hereby revoke all previous powers of attorney or authorization of agents in the above identified application.
2. ☐ I hereby revoke less than all previous powers of attorney or authorization of agents in the above application. Revocation applies to the following person(s): (give name(s) and registration number(s))
3. ☒ I/we hereby appoint the following person(s) as my/our attorney(s) or agent(s) to prosecute said application, and to transact all business in the Patent and Trademark Office connected therewith: (give name(s) and registration number(s))

D.J. Oldenkamp, Reg. 29,421  
W. Poms, Reg. 18,782  
G.P. Smith, Reg. 20,142  
H.D. Jastram, Reg. 19,777  
C.A.S. Hamrick, Reg. 22,586  
G.E. Lande, Reg. 22,222  
A.C. Rose, Reg. 17,047  
L.J. Bovasso, Reg. 24,075  
C.Darrow, Reg. 30,166  
M.D. Harris, Reg. 26,690  
K.A. MacLean, Reg. 31,118

M.E. Brown, Reg. 28,590  
A.P. Block, Reg. 35,450  
S.R. Hansen, Reg. 38,486  
D.N. Larson, Reg. 29,401  
J.W. Inskeep, Reg. 33,910  
J. Boyce, Reg. 40,920  
C. Berman, Reg. 29,249  
S.M. Parker, Reg. 36,233  
R.S. Tamura, Reg. 43,179  
S. Oh, Reg. P45,583  
M.B. Farber, Reg. 32,612

R.O. Guillot, Reg. 28,852  
E.C. Chang, Reg. 37,593  
J.D. Voelzke, Reg. 37,957  
C.J. Lervick, Reg. 35,244  
C. Rosenberg, Reg. 31,464  
G.B. Wood, Reg. 28,133  
L.C. Cullman, Reg. 39,645  
M.K. Bosworth, Reg. 28,186

4. ☐ The correspondence address is NOT affected by this communication.
- ☒ Change the correspondence address and direct all future correspondence to:

David J. Oldenkamp, Esq.  
Oppenheimer Wolff & Donnelly LLP  
2029 Century Park East, Suite 3800  
Los Angeles, CA 90067

I am the:

- ☐ Applicant(s) (signature of all applicants are required).  
☒ Assignee of record of the entire interest.  
Certification under 37 CFR 3.73(b)

- ☒ is enclosed.  
☐ has already been filed in this application.

Signature

Date

Address: BURSTEIN LABORATORIES, INC.  
15375 BARRANCA PARKWAY  
SUITE I-101  
IRVINE, CALIFORNIA 92618

Richard Burstein

Typed or printed name

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## Combined Declaration and Power of Attorney for Patent Application

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Docket Number: 01296.0014.999

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled CASSETTE AND APPLICATOR FOR BIOLOGICAL AND CHEMICAL SAMPLE COLLECTION, the specification of which is attached hereto unless the following box is checked:

☒ was filed on August 24, 1998;  
as United States Application Number or PCT International Application Number 09/139,213; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)			
Application No.	Country	(Day/Month/Year/Filed)	Priority Claimed
			Yes No
			Yes No
			Yes No
			Yes No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filing Date	(Status – patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jeffrey I. Auerbach, Reg. No. 32,680  
Melvin L. Barnes, Jr. Reg. No. 38,375  
Thane Bauz, Reg. No. P41,604  
Michael J. Bell, Reg. No. 39,604  
John A. Bendrick, Reg. No. P41,612  
Mark R. Buscher, Reg. No. 35,006  
Celine T. Callahan, Reg. No. 34,301  
Cono A. Carrano, Reg. No. 39,623  
Joseph V. Colaianni, Reg. No. 39,948  
James F. Davis, Reg. No. 21,072  
Thomas M. Dunham, Reg. No. 39,965  
Joel M. Freed, Reg. No. 25,101

Vernon Randall Gard, Reg. No. 33,886  
Alan M. Grimaldi, Reg. No. 26,599  
Alexander J. Hadjis, Reg. No. 36,540  
Albert P. Halluin, Reg. No. 25,227  
Michael N. Haynes, Reg. No. 40,014  
Rouget F. Henschel, Reg. No. 39,221  
Leslie L. Jacobs, Jr., Reg. No. 40,659  
Richard H. Kjeldgaard, Reg. No. 30,186  
Joseph P. Lavelle, Reg. No. 31,036  
David R. Marsh, Reg. No. 41,408  
Kevin W. McCabe, Reg. No. 41,182  
Joseph A. Micallef, Reg. No. 39,772

Anthony D. Miller, Reg. No. 34,394  
Karen L. Nicastro, Reg. No. 35,968  
Bradley J. Olson, Reg. No. 40,750  
Russell O. Paige, Reg. No. P40,758  
Andrew Y. Piatnicia, Reg. No. 40,772  
Andrea G. Reister, Reg. No. 36,253  
Stephen J. Rosenman, Reg. No. 29,209  
Timothy L. Scott, Reg. No. 37,931  
Anthony W. Shaw, Reg. No. 30,104  
J. David Smith, Reg. No. 39,839  
Michael J. Songer, Reg. No. 39,841

Send Correspondence to:

**Albert P. Halluin**  
**HOWREY & SIMON**  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
Facsimile: (202) 383-7195

Direct Telephone Calls to: (202) 783-0800

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR: Jorma A. VIRTANEN	CITIZENSHIP: Finland
RESIDENCE: Irvine, California, USA	DATE: 11/4/98
POST OFFICE ADDRESS: 28111 Ambar, Mission Viejo, California 92692	INVENTOR'S SIGNATURE: <i>J. Virtanen</i>
FULL NAME OF SECOND INVENTOR:	CITIZENSHIP:
RESIDENCE:	DATE:
POST OFFICE ADDRESS:	INVENTOR'S SIGNATURE:
FULL NAME OF THIRD INVENTOR:	CITIZENSHIP:
RESIDENCE:	DATE:
POST OFFICE ADDRESS:	INVENTOR'S SIGNATURE:

(Supply similar information and signature for subsequent joint inventors, if any)

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MARCH 09, 1999

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HOWREY & SIMON  
ALBERT P. HALLUIN  
BOX NO. 34  
1299 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004-2402



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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/11/1998

REEL/FRAME: 9589/0349  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VIRTANEN, JORMA A.

DOC DATE: 11/04/1998

ASSIGNEE:

BURSTEIN LABORATORIES, INC.  
28111 AMBAR  
MISSION VIEJO, CALIFORNIA 92692

SERIAL NUMBER: 09139213

FILING DATE: 08/24/1998

PATENT NUMBER:

ISSUE DATE:

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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HOWREY & SIMON

09819036-022004

NOV 11 1998

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11-20-1998

BUCKET NO. 01296.0014.999

Form PTO-1595

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RECORDATION FORM  
PATENTS C

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11-11-98

To the Honorable Commissioner of Patents a.

or copy thereof.

Name of conveying party(ies):

Jorma A. VIRTANEN

2. Name and address of receiving party(ies):

Name: Burstein Laboratories, Inc.

Street Address: 28111 Ambar

City: Mission Viejo State: California Zip Code: 92692

Country: USA

Additional name(s) & address(es) attached? ☐ yes ☒ noAdditional name(s) of conveying party(ies) attached? ☐ yes ☒ no

3. Nature of Conveyance:

- ☒ Assignment      ☐ Merger  
☐ Security Agreement      ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date(s): November 4, 1998

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No(s). 09/139,213

B. Patent No(s).

Additional numbers attached? ☐ yes ☒ no

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: HOWREY &amp; SIMON

Internal Address: Albert P. Halluin

Street Address: Box No. 34  
1299 Pennsylvania Ave, N.W.

City: Washington State: D.C. Zip Code: 20004-2402

6. Total number of applications and patents involved

1

7. Total fee (37 C.F.R. § 3.41).....\$ 40.00

☒ Enclosed☐ Authorized to be charged to Deposit Account

8. Deposit Account Number: 08-3038

11/18/1998 DNYEN 00000179 09139213

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9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Albert P. Halluin (Reg. No. 25,227)

Name of Person Signing

Registration No.

Signature

November 10, 1998

Date

Total number of pages including cover sheet, attachments and document 2

OMB NO. 0651-0011 (exp. 4/94)

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patents and Trademarks, Box Assignments  
 Washington, D.C. 20231

09819036-032001

O I P E

NOV 10 1998

PATENT &amp; TRADEMARK OFFICE

# ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: **Jorma A. VIRTANEN** the undersigned hereby sell(s) and assign(s) **NAME OF ASSIGNEE, ADDRESS AND COUNTRY** (the Assignee) his/her entire right, title and interest

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),  
☒ and throughout the world,

in the invention(s) known as **CASSETTE AND APPLICATOR FOR BIOLOGICAL AND CHEMICAL SAMPLE COLLECTION** for which application(s) for patent in the United States of America has (have) been executed by the undersigned on **November 4, 1998** (also known as United States Application No. 09/139,213, filed August 24, 1998), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all reissues, extensions, renewals, reexaminations of such applications or Letters Patent(s) and divisional and continuation applications thereof, to the full end of the term or terms for which such Letters Patent(s) issue, including all claims, if any, that may have arisen for infringement prior to the date of this assignment, such entire right, title and interest to be held and enjoyed by the above-named Assignee to the same extent as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference that may be declared concerning the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby represents that the undersigned has full right to convey the entire interest herein assigned, and that the undersigned has not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s)

Jeffrey I. Auerbach, Reg. No. 32,680  
 Melvin L. Barnes, Jr. Reg. No. 38,375  
 Thane Bauz, Reg. No. P41,604  
 Michael J. Bell, Reg. No. 39,604  
 John A. Bendrick, Reg. No. P41,612  
 Mark R. Buscher, Reg. No. 35,006  
 Celine T. Callahan, Reg. No. 34,301  
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 James F. Davis, Reg. No. 21,072  
 Thomas M. Dunham, Reg. No. 39,965  
 Joel M. Freed, Reg. No. 25,101  
 Vernon Randall Gard, Reg. No. 33,886  
 Alan M. Grimaldi, Reg. No. 26,599  
 Alexander J. Hadjis, Reg. No. 36,540  
 Albert P. Halluin, Reg. No. 25,227  
 Michael N. Haynes, Reg. No. 40,014  
 Rouget F. Henschel, Reg. No. 39,221

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 Richard H. Kjeldgaard, Reg. No. 30,186  
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 David R. Marsh, Reg. No. 41,408  
 Kevin W. McCabe, Reg. No. 41,182  
 Joseph A. Micallef, Reg. No. 39,772  
 Anthony D. Miller, Reg. No. 34,394  
 Karen L. Nicastro, Reg. No. 35,968  
 Bradley J. Olson, Reg. No. 40,750  
 Russell O. Paige, Reg. No. P40,758  
 Andrew Y. Piatnicia, Reg. No. 40,772  
 Andrea G. Reister, Reg. No. 36,253  
 Stephen J. Rosenman, Reg. No. 29,209  
 Timothy L. Scott, Reg. No. 37,931  
 Anthony W. Shaw, Reg. No. 30,104  
 J. David Smith, Reg. No. 39,839  
 Michael J. Songer, Reg. No. 39,841

of **HOWREY & SIMON**, BOX NO. 34, 1299 PENNSYLVANIA Avenue, N.W., Washington, D.C. 20004-2402, power to insert in this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite their name(s).

Date: 11/4/98 Signature of Inventor: J. Virtanen  
**JORMA A. VIRTANEN**

09819036-022001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Jorma A. VIRTANEN

**Serial No.:** 09/139,213

**Filed:** August 24, 1998

**Title:** CASSETTE AND APPLICATOR FOR  
BIOLOGICAL CHEMICAL SAMPLE COLLECTION

09/18/903  
**Group Art Unit:** 3736

**Examiner:** M. Hindenburg

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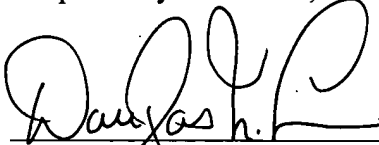
**INFORMATION DISCLOSURE STATEMENT**

Dear Sir or Madam:

Submitted herewith are one sheet of Form PTO-1449 and one copy of each of the patent documents listed therein. It is respectfully requested that the Examiner make his consideration of each of these patent documents formally of record with the next action.

If any fees are due with this Information Disclosure Statement, the Commissioner is authorized to charge them to Deposit Account Number 16-2230.

Respectfully submitted,



Douglas N. Larson  
Registration No. 29,401

April 6, 2001

**OPPENHEIMER WOLFF & DONNELLY LLP**

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Attorney Docket No. 18950-67

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

APR 11 2001

OFFICE OF PETITIONS

In Re Application Of:

Virtanen, Jorma A.

Serial Number: 09/139,213

Filing Date: August 24, 1998

Entitled: **CASSETTE AND APPLICATOR FOR  
BIOLOGICAL CHEMICAL SAMPLE  
COLLECTION**

Group Art Unit: 3736

Examiner: Max Hindenburg

09/819036

Office of Petitions  
Four Crystal Plaza - Suite 3C23  
2201 South Clark Place  
Arlington, Virginia 22202  
attn: Frances Hicks

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**SUPPLEMENTAL PRELIMINARY AMENDMENT**

Sir:

This "Supplemental Preliminary Amendment" should be entered after the entry of the "Preliminary Amendment" filed on February 20, 2001.

IN THE CLAIMS:

Please **cancel** Claims 1-14.

Please **amend** Claim 22 as follows:

22. (Amended) An analyzer disk assembly comprising:

(A) an analyzer disk having a surface adapted to engage an apparatus which contains a biological sample for transfer to said analyzer disk; and

(B) an apparatus engaged with said surface of said analyzer disk, said apparatus including:

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A1
- (a) a cassette having walls which define a cavity for containing said biological sample;
  - (b) an inlet for introducing said biological sample into said cavity prior to engagement of said apparatus with said surface of said analyzer disk; and
  - (c) an outlet for transferring said biological sample from said cavity to said analyzer disk when said apparatus is engaged with said surface of said disk.

**A clean version of the entire set of pending claims follows:**

15. An apparatus for collecting a biological sample from a subject for subsequent transfer to a CD or DVD, said apparatus comprising:

- a) a cassette comprising walls which define a cavity for receiving said biological sample, said cassette being adapted to engage said CD or DVD;
- b) an inlet for transferring said biological sample from the subject into said cavity; and
- c) an outlet for transferring said biological sample from said cavity to said CD or DVD when said cassette is engaged with said CD or DVD.

16. An apparatus according to claim 15 wherein said cassette comprises a mechanical rectifier which locks said cassette in engagement with said CD or DVD.

17. An apparatus according to claim 15 wherein said inlet comprises a conduit having a first end for penetrating said subject and a second end for penetrating the wall of said cassette which defines said cavity.

18. An apparatus according to claim 15 which further comprises a reagent or washing solution for said sample.

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19. An apparatus according to claim 15 which further comprises an electrical component or microelectromechanical component.

20. An apparatus according to claim 15 which further comprises an applicator for housing said cassette prior to engagement of said cassette with said CD or DVD.

22. (Amended) An analyzer disk assembly comprising:

(A) an analyzer disk having a surface adapted to engage an apparatus which contains a biological sample for transfer to said analyzer disk; and

(B) an apparatus engaged with said surface of said analyzer disk, said apparatus including:

(a) a cassette having walls which define a cavity for containing said biological sample;

(b) an inlet for introducing said biological sample into said cavity prior to engagement of said apparatus with said surface of said analyzer disk; and

(c) an outlet for transferring said biological sample from said cavity to said analyzer disk when said apparatus is engaged with said surface of said disk.

23. A CD or DVD according to claim 22 wherein said cassette comprises a mechanical rectifier which locks said cassette in engagement with said surface of said disk body.

24. A CD or DVD according to claim 22 wherein said inlet comprises a conduit having a first end for receiving said biological sample and a second end for penetrating the wall of said cassette which defines said cavity.

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25. A CD or DVD according to claim 22 wherein said apparatus further comprises a reagent or washing solution for said sample.

26. A CD or DVD according to claim 22 wherein said apparatus further comprises an electrical component or microelectromechanical component.

27. A method for transferring a biological sample from a subject to a CD or DVD, said method comprising the steps of:

transferring the biological sample from the subject to a cavity of a cassette;

engaging said cassette with a CD or DVD; and

transferring the biological sample from said cassette to said CD or DVD.

28. A method according to claim 27 wherein said cassette further comprises a reagent or washing solution, said method comprising the step of contacting said reagent or washing solution with said biological sample located with said cavity of said cassette.

29. A method according to claim 27 which comprises the step of locking said cassette in engagement with said CD or DVD.

30. A method according to claim 27 wherein said cassette further comprises a conduit having a first end and a second end, wherein said method comprises the steps of penetrating said subject with said first end and penetrating a wall of said cavity of said cassette with said second end to provide transfer of said biological sample from said subject to said cavity.

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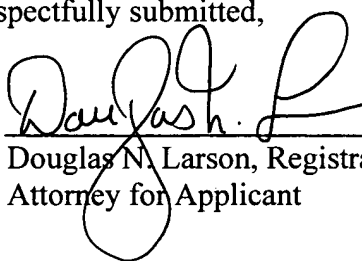
31. A method according to claim 27 wherein said cassette further comprises an electrical component or microelectromechanical component, said method comprising the step of treating said biological sample located in said cavity of said cassette with said electrical component or said microelectrochemical component.

Please charge any fees or credit any overpayments to our Miscellaneous Fees Account No. 16-2230.

Respectfully submitted,

Dated: April 6, 2001

By



Douglas N. Larson, Registration No. 29,401  
Attorney for Applicant

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09/139,213-02220-022001

**MARKED-UP VERSION OF THE**  
**AMENDED CLAIM (37 CFR 1.121(c)(2))**

22. (Amended) An analyzer disk assembly comprising:

(A) [a] an analyzer disk [body] having a surface adapted to engage an apparatus which contains a biological sample for transfer to said analyzer disk; and

(B) an apparatus engaged with said surface of said analyzer disk [body], said apparatus including:

(a) a cassette having walls which define a cavity for containing said biological sample;

(b) an inlet for introducing said biological sample into said cavity prior to engagement of said apparatus with said surface of said analyzer disk [body]; and

(c) an outlet for transferring said biological sample from said cavity to said analyzer disk when said apparatus is engaged with said surface of said disk [body].

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